

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Dureseti Chidambarao, et al	Date: September 15, 2006
Serial Number: 10/710,548	Examiner: Steven J. Fulk
Filed: 07/20/2004	Group Art Unit: 2891
Title: CREATING INCREASED MOBILITY IN A BIPOLAR DEVICE .	IBM Corporation D/18G, B/321, Zip 482 2070 Route 52 Hopewell Junction, NY 12533-6531

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated September 8, 2006.

The Examiner in the aforementioned Office Action has required restriction under 35 U.S.C. § 121, stating that the claims belong to:

GROUP I, Claims 1-8, drawn to a of increasing mobility of charge carriers in a bipolar device, and

GROUP II, Claims 8-20, drawn to a bipolar device.

Applicants traverse the aforementioned Restriction Requirement for the following reason:

The Restriction Requirement justifies the restriction by vaguely stating that “the structure as claimed can be used to make other and materially different product”, but fails to list any such “other and materially different products”. Thus, Applicants deem that both Groups I and II are one and the same, and they do not fit the criteria for restriction. Accordingly, it is believed that the restriction requirement should be withdrawn.

Applicants further traverse the Restriction Requirement directed to distinct species.

As explained to the Examiner in the telephone conversation held on September 13, 2006, Applicant’s representative pointed out said semiconductor devices having strained material layers and methods of fabricating the same, typically show pairs of n-p-n and p-n-p devices side by side on the same substrate. This allows to strain each n-p-n and p-n-p bipolar device to be stress/strained in the best possible manner to achieve the desired improvement of performance. Strained silicon surfaces have been designed as such not only for bipolar but also for FET devices as well as for SOI devices. The Examiner is encouraged to examine U.S. Patent No. 6,881,632 to Fitzgerald et al. which contains an extensive list of patents, publications and other documents discussing, e.g, strained/stressed Complementary MOSFETs.

Finally, Applicants state further that the Restriction Requirement does not demand any additional search simply because both classes, namely, Class 438, subclass 309, and Class 257, subclass 565 include patents that address respectively: i) bipolar devices, ii) method of manufacturing said bipolar devices, and iii) process of fabricating the bipolar device together with the bipolar device itself in a single patent. Thus, in order to determine whether the present invention has already been the subject matter of an issued patent, both of the above stated classes need to be searched.

Notwithstanding the foregoing arguments, Applicants elect to prosecute the invention of GROUP II consisting of Claims 9-20 drawn to the bipolar device, and withdraw from consideration the claims forming GROUP I, as being drawn to non-

elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims.

Respectfully submitted,
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